

REMARKS

Claims 3-14 are pending in this application. By this Amendment, claims 3 and 8 are amended. Reconsideration and withdrawal of the pending rejections are respectfully requested.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 U.S.C. §1.116 because the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or considerations; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

The Section 102 Rejections

Claims 3, 4 and 14 were rejected under 35 U.S.C. §102(e) as being anticipated by Patel et al., U.S. Patent No. 6,314,284 ("Patel"). Applicant respectfully traverses these rejections for at least the following reasons.

The Examiner asserts that the term "adapted to" is not a *positive* claimed limitation, and, therefore, the feature of "at least two different types of wireless air interfaces selected from the group consisting of Advanced Mobile Phone Service (AMPS), Code Division Multiple Access (CDMA), Time Division Multiple Access (TDMA), Global System for Mobile Communications (GSM), 802.11 and Universal Mobile Telecommunications System (UMTS)" has not been given

patentable weight. However, Applicant submits that claim 3 has been amended to positively recite that the “wireless air interface element employs at least two different types of wireless air interfaces”, and thus sets forth definite boundaries of the patent protection sought. Further, it is submitted that “all words in a claim must be considered in judging patentability of that claim against the prior art” (emphasis added). In re Wilson, 65 USPQ 494, 496 (CCPA 1970).

Turning to Patel, Patel’s base stations only support a single air interface, the Global Systems for Mobile Telecommunications (GSM) (column 5, lines 25-26), rather than supporting at least two different types of wireless air interfaces, as in the claims of the present invention.

Because Patel does not disclose each and every feature of the claimed inventions, it cannot provide a basis for a rejection under 35 U.S.C. §102. Thus, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 3, 4 and 14.

The Section 103 Rejections Based on Patel and Siu

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Patel in view of Siu et al., U. S. Patent No. 6,522,641 (“Siu”). This rejection is respectfully traversed.

Initially, Applicant notes that claim 5 is a dependent claim that eventually depends on claim 3 and is, therefore, patentable over Patel for the reasons set forth above. Further, Applicant submits that claim 5 is patentable

over the combination of Patel and Siu because Siu does not cure the deficiencies in Patel.

Siu discloses a fixed wireless point-to-multipoint network in which base stations are connected via IP and/or ATM switches. Siu's base stations only support a single TDMA. Accordingly, it is respectfully submitted that the combination of Patel and Siu does not render claim 5 obvious. Applicant respectfully requests withdrawal of the pending rejection and allowance of claim 5.

The Section 103 Rejections Based on Patel and Rodrig

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Patel in view of Rodrig et al., U.S. Patent No. 6,256,314 ("Rodrig"). These rejections are respectfully traversed.

Initially, Applicant notes that claims 6 and 7 are dependent claims that eventually depend on claim 3 and are, therefore, patentable over Patel for the reasons set forth above. Further, Applicant submits that claims 6 and 7 are patentable over the combination of Patel and Rodrig because Rodrig does not cure the deficiencies in Patel.

Rodrig discloses a method of layer 3 forwarding and makes no mention of base stations or wireless air interfaces. Accordingly, it is respectfully submitted that the combination of Patel and Rodrig does not render claims 6 and 7 obvious. Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 6 and 7.

The Section 103 Based on Doshi, Patel and Lehman

Claims 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi et al., U.S. Patent No. 6,529,499 ("Doshi") in view of Patel and Lehman et al., U.S. Patent No. 6,282,184 ("Lehman"). These rejections are respectfully traversed.

Claim 8 includes the feature of "at least one base station for communicating information between a wireless endpoint and an Internet Protocol (IP) based packet network, said at least one base station employs at least two different types of wireless air interfaces selected from the group consisting of Advanced Mobile Phone Service (AMPS), Code Division Multiple Access (CDMA), Time Division Multiple Access (TDMA), Global System for Mobile Communications (GSM), 802.11 and Universal Mobile Telecommunications System (UMTS)."

Doshi fails to disclose at least one base station for communicating information between a wireless endpoint and an Internet Protocol based packet network.

The Examiner asserts that box 250 in Doshi is a base station. However, box 250 in Figure 1 is a signaling gateway, and not a base station as asserted by the Examiner. The gateway 250 is used to facilitate conversions and signaling mechanisms between public switch telephone networks and IP networks, as stated in column 3, lines 21-24. As known by those skilled in the art, base stations are utilized in wireless networks to communicate signaling and information content (e.g., conversations) over an air interface, and couple

the received signaling and information content to nodes in a wireless network. Because the signaling gateway disclosed in Doshi does not receive information content over an air interface and does not communicate information between a wireless endpoint and an Internet Protocol (IP) based packet network, it cannot be considered a base station.

Further, Applicant submits that claim 8 is patentable over the combination of Doshi, Patel and Lehman because Patel and Lehman do not cure the deficiencies in Doshi.

Patel discloses base stations supporting only a single air interface, the Global System for Mobile telecommunication (GSM) instead of supporting at least two different types of wireless air interfaces, as recited in claim 8.

Lehman is silent with respect to at least one server, accessed by the base station and at least one router coupled to the IP based packet network, for communications transmitted from the base station to the server.

In view of the foregoing, claim 8 is believed to be allowable over the proposed combination of Doshi, Patel and Lehman. Claims 9-12 are also believed to be allowable by virtue of their dependency on independent claim 8.

The Section 103 Rejections Based on Doshi, Patel and Siu

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi in view of Patel and Lehman, and further in view of Siu. The rejection is respectfully traversed.

Initially, Applicant notes that claim 13 is a dependent claim that eventually depends on claim 8 and is, therefore, patentable over Doshi in view of Patel and Lehman for the reasons set forth above. Further, Applicant submits that claim 13 is patentable over the combination of Doshi, Patel, Lehman and Siu because Siu does not cure the deficiencies in Patel.

Siu discloses a single, TDMA wireless air interface instead of at least two as required by claim 13. Accordingly, the combination of Doshi, Patel, Lehman and Siu does not teach or suggest all of the limitations in Applicant's claim 13, and therefore claim 13 is allowable over the proposed combination.

CONCLUSION

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

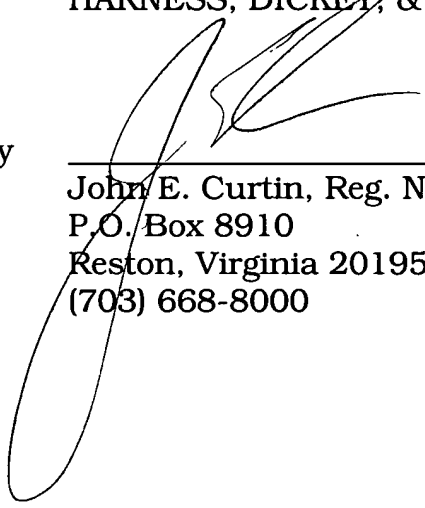
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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